

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

BRIAN LORD

Plaintiff

V.

MERRICK GARLAND

Defendant

Case No. 5:23cv83-RWS-JBB

ORDER

Plaintiff Brian Lord, proceeding *pro se*, filed the above-styled and numbered civil action as a challenge to the constitutionality of 18 U.S.C. § 922(g)(1). Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

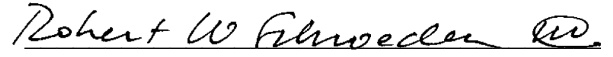
The Magistrate Judge ordered Plaintiff to pay an initial partial filing fee of \$43.00 or show good cause why he could not do so, in accordance with 28 U.S.C. § 1915(b). Docket No. 5 at 1–2. When Plaintiff failed to comply, the Magistrate Judge issued a Report recommending dismissal of the lawsuit without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 7. Plaintiff received a copy of this Report on or before March 22, 2024, but has filed no objections. *See* Docket No. 9. As a result, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *See Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See Martin v. Driskell*, No. 6:19-CV-311-JDK-KNM, 2023 WL 5827586, at *1 (E.D. Tex. Sept. 7, 2023) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 7) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court.

SIGNED this 13th day of June, 2024.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE